

REMARKS/ARGUMENTS

In the specification, the paragraph beginning at line 12, page 1, has been amended to define the meaning of "CPAP" in the prior art patent.

Formal drawings are submitted herewith.

Claims 1-5 and 7-11 remain in this application. Claim 6 has been canceled. Claims 7-8 have been withdrawn. Claims 9-11 have been added.

The examiner has acknowledged that dependent claim 6 is directed to allowable subject matter. Claim 9 is an independent claim containing the subject matter of claim 6 and all intervening claims. Claim 9 should be allowed. Claims 10-11 are dependent on claim 9 and should be allowable.

Claim 7-8 have been withdrawn as the result of an earlier restriction requirement.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 7-8 in a divisional application.

In response to the Office Action of July 11, 2005, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejections under 35 USC 112

Claims 1-6 stand rejected as indefinite in the recitation of

"CPAP" in the claims. This term has come to mean a certain type of breathing apparatus for apnea patients as explained in the prior art patent to Hansen et al. The claims have been amended to delete reference to this term thereby overcoming the rejection.

Rejection under 35 USC 103(a)

Claims 1 and 3-5 stand rejected as obvious in view of Grosholz. Grosholz discloses a humidifier mounted on an adjustable stand for placement near a person's face.

There is no pulley in the Grosholz apparatus. Grosholz has a parallel linkage suspension to allow the humidifier assembly to be placed, as desired, relative to the user. In this apparatus, the spring acts as a counter-weight to balance the weight of the humidifier in the extended position rather than producing an ever increasing resistance as it is distended. The lower arm of the parallel linkage is pivotally mounted on a bracket with a spring attachment point, beam 41, outward of the pivot point. The Examiner equates this spring attachment point to the pulley recited in the claims. However, the amended claim 1 requires that the spring be located in a circumferential groove in the pulley and be lengthened during rotation of the pulley. There is no rotation in the cross beam 41 of the Grosholz device. Further, as explained in Grosholz, the spring forces are greatest in the parallel

position whereas the claimed device would have the greatest bias in the downward position of the arm.

The Examiner has proffered no other references to modify the Grosholz device in any manner. The Grosholz patent does not teach one of ordinary skill in the art to produce the claimed invention. Only by using hindsight can the reference be remotely compared to the claimed invention.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,



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Amendments to the Drawings:

The attached sheets of drawings are the formal drawings required by the Examiner. These sheets, replace the original sheets including Fig. 1-7.

Attachment: Replacement Sheets